



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 109th session

Summary record of the 2966th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 18 April 2023, at 10 a.m.

Chair: Ms. Shepherd

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The meeting was called to order at 10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined twenty-fourth to twenty-sixth periodic reports of Argentina (continued)
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1. *At the invitation of the Chair, the delegation of Argentina joined the meeting.*
2. **Mr. Vega Luna** (Country Rapporteur) said that he wished to know what measures the State party had taken to combat structural racism and discrimination, and multiple forms of discrimination, directed at Indigenous Peoples, people of African descent, migrants and other minorities. Noting that the number of people living in poverty had risen significantly in recent years, he wondered whether the State party had taken any affirmative action to reduce inequality in Argentine society and to ensure that people belonging to vulnerable communities could enjoy their economic, social and cultural rights.
3. The Committee had received numerous reports indicating that police violence and institutional violence, including the disproportionate use of firearms, were widespread and had a particular impact on Indigenous Peoples, people of African descent, migrants, asylum-seekers, refugees and other minorities. Reports also indicated that the perpetrators of such violence often went unpunished. In the light of that situation, he wondered what measures the State party had taken to prevent, investigate and punish acts of violence by law enforcement officials against members of vulnerable communities and what protection and reparation mechanisms had been made available to victims and their families. The delegation might describe any measures being taken to promote the early adoption of the bill on the comprehensive approach to institutional violence. He was curious to know whether all officers authorized to use force received ongoing training to ensure that they complied with international rules and standards.
4. The Committee had learned of various allegations that the police, security forces and private security companies had used excessive force and carried out arbitrary arrests at protests, including those organized by Indigenous Peoples advocating for their rights. A number of reports received by the Committee expressed concern about the lack of national regulations governing the conduct of security forces at demonstrations and the implementation of measures at the provincial level that restricted the right of minorities to demonstrate. Given that situation, he wished to know what measures the State party had taken to guarantee the right to freedom of peaceful assembly at the federal and provincial levels and to prevent and investigate the excessive use of force by law enforcement officials and private security companies, including that directed at Indigenous Peoples who were participating in peaceful demonstrations.
5. The Committee would be grateful to know what action was being taken to prevent acts of reprisal, intimidation and threats from being directed at members of Indigenous Peoples, people of African descent and migrants who were seeking to defend their rights and human rights defenders who advocated for the rights of those groups. The State party might also describe what it was doing to increase the participation of Indigenous Peoples, people of African descent, and other minorities, including the Roma people, in political and public life.
6. He would welcome information, including statistical data, on the impact of the measures taken to reduce levels of poverty and extreme poverty among Indigenous Peoples, people of African descent, migrants and asylum-seekers. He was also curious to know how the State party saw to it that the Indigenous Peoples were systematically consulted about extraction activities and that decisions taken at the provincial level to guarantee their right to be consulted, with a view to obtaining their free, prior and informed consent, were in line with international standards. What measures had the State party taken to provide comprehensive reparations to Indigenous Peoples affected by infrastructure projects, including those harmed by pollution from agrochemicals?
7. The Committee wished to know whether any plans were in place to draft and adopt a law on Indigenous communal property that complied with international standards and the

judgments of the Inter-American Court of Human Rights and, if so, whether representatives of the Indigenous Peoples would participate in the drafting of the law. The delegation might describe any action being taken to survey or demarcate the lands traditionally occupied by Indigenous Peoples and to issue community titles for such lands. It would be interesting to know how many communities had been given community titles since the entry into force of Act No. 26.160 on emergency measures relating to the possession and ownership of Indigenous community lands and how the State party saw to it that the Act was uniformly implemented in all provinces.

8. The Committee welcomed the approval by the Inter-American Court of Human Rights of the partial agreement reached between the Lhaka Honhat Indigenous communities and the Argentine State on the delimitation and demarcation of land belonging to the communities in question. The Committee would be grateful for up-to-date information on any actions being taken to comply with the judgment.

9. He was interested to know why, despite the existence of a law requiring the suspension of evictions targeted at Indigenous Peoples, such evictions were continuing to take place in various parts of the country. He wondered what the State party was doing to prevent, investigate and punish the excessive use of force against the Indigenous Peoples, how many complaints relating to the excessive use of force had been received in recent years, how many investigations had taken place as a result and how many police officers or other security officials had been convicted. The Committee was concerned to note that Act No. 26.160 was liable to being amended or repealed, as it had been extended by a presidential decree and not by a new law. In that connection, it would be interesting to know whether any plans were in place to adopt a new law extending the Act, as the State party had done on three previous occasions. What additional measures had been taken to prevent, investigate and punish violence against Indigenous Peoples by armed gangs?

10. The Committee welcomed the measures taken by the State party to address hunger and food insecurity, including the new Argentina Plan to Combat Hunger. However, it was concerned that, according to reports received, the Plan was not specifically targeted at Indigenous Peoples, people of African descent, migrants in an irregular situation, asylum-seekers or refugees, even though those groups faced a particular risk of hunger and food insecurity. The State party might explain how it would ensure that the Plan benefited all members of those groups and communities.

11. The State party might also provide details of any steps being taken to guarantee the availability, accessibility and quality of education for the children of Indigenous Peoples, persons of African descent, migrants, asylum-seekers, refugees and other minorities. The Committee would be grateful for statistical data on the evolution of literacy levels and access to primary, secondary and university education for those communities in recent years and up-to-date information on the impact of measures taken to guarantee the right to intercultural bilingual education. How did the State party promote access to decent employment for people of African descent, Indigenous Peoples, migrants, asylum-seekers and refugees?

12. The Committee was concerned about reports indicating that the State party's health policies failed to take into account the cultural identities of Indigenous Peoples and people of African descent; that interpreters were often unavailable in public health centres; that little attention was paid to the traditional medicine practices of Indigenous Peoples; and that infant mortality rates were higher in regions where the majority of the population was Indigenous. In view of that situation, he wished to know how the State party ensured equal access to quality and culturally appropriate health services for vulnerable groups and what impact the measures taken to reduce maternal and infant mortality rates in Indigenous communities had had.

13. The Committee had received reports that Creole men were sexually abusing Indigenous women and girls as part of a practice known as *chineo*. It had also learned that the security forces had detained seven Indigenous women from the Mapuche community in connection with an eviction. In the light of that situation, he would be grateful to hear about any measures being taken to combat gender-based violence, including the practice of *chineo*, against Indigenous women and girls. The delegation might provide details of any penalties imposed on the perpetrators of sexual abuse and any measures being taken to provide

protection and reparation to the victims. It might also state whether the number of shelters and comprehensive care services for victims had been increased. He would welcome information on the situation of the Mapuche women who were being detained and on any measures being taken to prevent the criminalization of Indigenous women and girls who were defending their rights.

14. **Mr. Diaby** (Country Task Force) said that he wished to know what was being done to facilitate the regularization of migrants, including those originating from the Bolivarian Republic of Venezuela, Haiti, Senegal and other countries outside the Southern Common Market (MERCOSUR), and any specific measures being taken to regularize the status of women and child migrants in an irregular situation. He wondered how the State party ensured access to justice for migrants in expulsion proceedings and what it was doing to implement the Migration Act (No. 25871) and protect the right to family reunification.

15. The Committee had received reports that migrant workers, including street vendors (*manteros*) from Senegal and Haiti, were often victims of ill-treatment by the police, including violent and unjustified searches, intimidation, extortion, harassment and physical and verbal abuse. The Committee would be grateful to receive information on any steps being taken to prevent, investigate and punish acts of violence and harassment committed by law enforcement officials against migrants, including migrants of African origin, and on any compensation provided to victims.

16. According to reports received by the Committee, migrants, asylum-seekers and refugees faced additional layers of discrimination related to their nationality and migration status. The scope for their integration into society and the labour market was limited by a lack of programmes to promote such integration and by administrative barriers that hindered their access to social welfare benefits. The Committee would welcome information on any measures being taken to promote the integration of non-nationals, including any steps to review and eliminate administrative and other barriers that prevented migrants, asylum-seekers, refugees and stateless persons from gaining access to social welfare benefits, health care, education and employment. What measures were being taken to combat discrimination and xenophobia against migrants, asylum-seekers and refugees?

17. The Committee was concerned over reports indicating that the asylum system in Argentina was functioning less efficiently than previously, that the right to asylum at border posts was not always respected and that the migration authorities sometimes failed to register asylum applications at the border. In addition, reports indicated that persons potentially in need of international protection had been denied access to the country at border posts and that there were no standard operating procedures for identifying asylum-seekers and referring them to the appropriate authorities. Given that situation, the Committee would appreciate information on the measures taken to ensure the full and non-discriminatory application of refugee law and the principles of non-refoulement and confidentiality in accordance with relevant international obligations and standards. It would also be grateful to know whether the State party provided border officials with training on international refugee law and human rights.

18. The Committee had been informed that the system for processing asylum applications was subject to significant delays and that the majority of the asylum applications received between 2018 and June 2021 were still pending resolution. The delegation might describe any measures being taken to ensure the fair and efficient processing of asylum applications, including any steps to increase the human and financial resources allocated to the National Commission for Refugees.

19. The Committee welcomed the adoption in July 2019 of Act No. 27.512 on the Recognition and Protection of Stateless Persons and measures taken by the National Commission for Refugees to ensure its implementation. He wished to know how many requests had been received and how many statelessness determination procedures had been conducted since the entry into force of the Act. He asked whether steps had been taken to estimate the size and characteristics of the stateless population and to identify persons at risk of statelessness.

20. The Committee had been informed that the authorities in the Province of Formosa did not recognize the Nivaclé as an Indigenous People and refused to provide them with birth

certificates and identity documents. According to a survey conducted in 2022, almost 30 per cent of the five Nivaclé communities in the province still lacked birth certificates and identity documents. He therefore asked what measures had been taken to reduce their risk of statelessness by guaranteeing them immediate access to such documents. Lastly, he wished to know what steps the State party had taken to implement the global campaign to end statelessness within a decade, by 2024.

21. **Mr. Balcerzak** said that the Working Group of Experts on People of African Descent had visited Argentina from 11 to 18 March 2019 and had recommended in its report that the State party should raise awareness about the historical contribution of people of African descent to Argentine society and establish a museum of Afro-Argentine culture and monuments and cultural sites. He would welcome information regarding any initiatives undertaken in response to those recommendations with a view to highlighting the contributions of Argentines of African descent.

22. **Mr. Yeung Sik Yuen** said that he appreciated the action taken by the National Institute against Discrimination, Xenophobia and Racism (INADI) to promote and protect human rights. However, the State authorities were clearly lagging behind in many respects, including judges and judicial officers who had displayed racism in the performance of their duties. He wished to know what efforts the State party had taken to identify systemic racism and take robust measures to fight against it.

23. **The Chair** said that she noted with interest the celebration on November 8 of the National Day of Afro-Argentines and African Culture. She wished to know whether a monitoring and evaluation mechanism had been established to assess its impact in terms of awareness-raising and promotion of tolerance and respect for people of African descent. In the 2022 census, people had been asked to self-identify as belonging to a specific population group. As the categories were limited, she would like to know whether other categories might be included in the next census.

24. **Ms. Stavrinaki**, referring to the case of Fernando Báez Sosa, said that a number of steps needed to be taken to raise awareness of racist motivation among judges and prosecutors in criminal proceedings. She wished to know what conclusions the Ministry of Justice had drawn from the case.

25. **Ms. Tebie**, referring to the large number of measures and campaigns aimed at combating discrimination against Indigenous Peoples and other vulnerable groups that had been listed in the delegation's opening statement, said that she was interested in hearing why discrimination nonetheless continued to be widespread. She asked whether the State party had developed an innovative strategy to address discrimination against such communities.

The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.

26. **Ms. Pena** (Argentina) said that her country had enacted many laws to guarantee the rights of migrants and women, the right to freedom of sexual and gender identity, and the right to health. Some of the events highlighted by the Committee, which had occurred in Buenos Aires and in the Provinces of JuJuy and Mendoza, had been influenced by the previous administration. For instance, it had amended the National Migration Act by adopting Decree No. 70/2017, which restricted the rights of migrants. Such action had been taken to gain votes in the country's elections. In addition, the Ministry for Women, Gender and Diversity and INADI had been closed down because the Government believed that they caused budget deficits.

27. The Committee had referred to the exponential rise in hate speech, to events conducive to the denial or discrediting of peoples' identities and to attacks on persons promoting women's rights, the right to gender and sexual identity and the rights of Indigenous Peoples. Leaders of human rights institutions were also persecuted in the social media and the criminal justice system when they expressed support for Indigenous Peoples, persons of African descent or persons from sexual minorities. The current Vice-President had been the victim of an attempted assassination. Such acts were conducive to wide-ranging political and social violence and undermined the very foundations of the country's democracy. Vigorous action was being taken to raise awareness in the population, to combat hate speech and fake news and to promote pluralism and diversity.

28. **A representative of Argentina** said that it had been almost 40 years since the restoration of democracy in his country. The National Institute of Indigenous Affairs had been established in 1985, and article 75.17 of the Constitution, as amended in 1994, recognized the ethnic and cultural pre-existence of Indigenous Peoples of Argentina. In addition, the legal validity of a wide range of international instruments concerning Indigenous Peoples had been recognized and measures had been taken to align domestic legislation with their provisions, including those of the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169). Act No. 26.160, the Territorial Emergency Act, which had been promulgated in 2006, provided for the suspension of evictions previously ordered by the courts.

29. The territorial demarcation of indigenous communities presented many challenges and had required a great deal of time and legal amendments. As the registration procedures had previously been quite discriminatory, communities had found it difficult to trust the registration authorities. However, there had recently been an increase in the number of registered communities. When the land registration procedure had begun in 2006, a total of 950 communities had been registered. The number had increased in the meantime to 1,825 registered communities or more than 90 per cent of all communities.

30. The increase in the number of Indigenous communities registered also owed to the fact that, for various reasons, they often separated into smaller groups, and occasionally joined together with others. Indigenous communities should therefore not be viewed as static entities. Five of the country's provinces – Salta, Misiones, Formosa, Jujuy and Chaco – were home to more than 60 per cent of its Indigenous communities, with Salta alone home to 513. The Indigenous communities were grouped into 39 Indigenous Peoples, the biggest of which were the Wichí, Qom, Guaraní and Mapuche.

31. The land survey programme aimed to determine occupation, rather than possession. The National Institute of Indigenous Affairs did not have the power to grant land titles, only to determine which communities were occupying which territories. Such demarcation, however, did not resolve the issues of Indigenous community ownership of land owing to the lack of legislation in that regard. Although several bills had been drafted in recent years with the involvement of Indigenous communities and organizations, and despite the efforts of the National Institute to raise awareness of the importance of such legislation, none had garnered sufficient support in the National Congress.

32. The land survey process began with a planning and dissemination phase during which Indigenous communities were informed of the project and asked to assist by indicating the borders and main features of their territories. An important part of that stage was building communities' trust in the authorities, which could take time. The communities' contributions were then used to create reports and maps of the territories, and anthropological history reports were also produced. Communities were given the opportunity to verify the accuracy of the maps and reports, which, pending any corrections, were finalized and a legal report completed for inclusion in a technical file that formed the basis of the Institute's decision on the occupation of the territory. The provincial authorities were informed of that decision and the community received a copy of the technical file.

33. In an effort to resolve the conflict involving the Lof Lafken Wincul Mapu community, which had led to the death of Mr. Rafael Nahuel, the President had met with Indigenous representatives and ordered the establishment of round tables. There had so far been two meetings between representatives of that community and representatives of the executive, the National Secretariat for Human Rights, the Government and the national parks. Another meeting was planned for the near future at which it was hoped a definitive resolution would be found.

34. The Ministry of Social Development had funded projects to increase Indigenous communities' food security and had signed agreements with local authorities to provide food assistance amounting to more than 4.3 billion Argentine pesos to families with children aged between 6 months and 6 years from 10 Indigenous Peoples. Under a national Indigenous health programme, an intercultural approach was adopted to improve health coverage and access to the public health system for Indigenous communities. A set of 10 recommendations on the treatment of Indigenous Peoples in the media had been drawn up with the aim of

combating discrimination and hate speech. They promoted, for example, the use of respectful, accurate language and communities' preferred names.

35. **Ms. Pena** (Argentina) said that during the coronavirus disease (COVID-19) pandemic the State had provided non-contributory financial assistance equal to 60 per cent of the minimum wage to 8.9 million informal workers and unemployed and vulnerable persons. Additionally, a direct cash transfer programme that assisted companies, and therefore employees, had reached more than 2.7 million workers over two phases, and an increase in unemployment benefits had benefited around 143,000 persons. Assistance had also been provided through food cards, child benefits, pregnancy benefits and a school feeding policy. A national campesino and indigenous agriculture institute had been established to promote, protect and fund efforts to ensure food security and sovereignty using Indigenous knowledge. There were specific school scholarships for Indigenous and Afrodescendent children, and 1,466 Indigenous teachers were being trained in providing bilingual intercultural education.

36. **A representative of Argentina** said that while the actions of the previous Government had led to the murder of Mr. Rafael Nahuel and had contravened its international obligations, the current Government was engaged in active mediation to bring about a peaceful resolution to the conflict involving Mr. Nahuel's community. It had also established the National Directorate against Institutional Violence to prevent, investigate and sanction such violence and a centre to receive complaints and provide legal assistance. The National Secretariat for Human Rights was acting as the claimant in the Nahuel case, which was due to come to trial in the near future. The Committee's assistance in ensuring the adoption of the bill on institutional violence, which was under discussion in the National Congress, would be welcome.

37. Act No. 25.871, the Migration Act, which recognized migration as a human right, had been reinstated, thereby guaranteeing respect for migrants' economic, social and cultural rights, among others. The National Migration Directorate had granted residency to more than 1.5 million migrants between 2015 and 2022, just over 720,000 of whom had received permanent residency. Activities were undertaken across the country to allow persons unable to travel to regularize their situation, and special regularization programmes had allowed more than 760 Senegalese nationals and 1,200 nationals of countries of the Caribbean Community, Cuba and the Dominican Republic to receive residency. There was also a special system for Venezuelan minors seeking residency, thanks to which more than 3,600 Venezuelan minors who lacked documentation had received residency and priority attention had been given to the residency applications submitted by a further 9,500. Processing of a very high percentage of residency applications began within 30 days of submission, and around 85 per cent were processed within 60 days.

38. The Integration Centres for Migrants and Refugees, which were operational in Buenos Aires, La Plata, Rosario and La Quiaca and would soon be opened in Trelew and Córdoba, disseminated information, facilitated direct contact between migrants and the authorities and ensured that migrants benefited from social policies. The residency requirement for accessing non-contributory benefits had been reduced from 20 to 10 years, and to 3 years for minors. The National Secretariat for Human Rights had worked swiftly to regularize the situation of a Peruvian mother of Argentine children who had been subject to a deportation order and who had submitted an individual complaint to the Committee on the Rights of the Child. A working group had subsequently been established in partnership with the Office of the Chief Public Defender to resolve dozens of other similar cases.

39. **A representative of Argentina** said that the Inter-American Commission on Human Rights had lifted the precautionary measures imposed in the case of the Potae Napocna Novogoh (La Primavera) community. In relation to the case involving Lhaka Honhat, the Government had established a federal unit within the National Secretariat for Human Rights tasked with implementing the ruling of the Inter-American Court of Human Rights. An action plan had subsequently been developed that focused on four major themes: the restitution of land, improvements to quality of life, environmental management and the strengthening of local actors. Further developments to that plan were under way. The Indigenous communities involved had worked with the State to devise six operational objectives relating to the action plan's first two themes, and the State's proposals regarding the territory in question had been subject to prior consultation with the communities and presented jointly by the communities

and the authorities to the Inter-American Court of Human Rights. A cooperation agreement had been signed between the National Institute of Indigenous Affairs and the Province of Salta, and renewed for one year in February 2023, to facilitate the demarcation of the Indigenous communal territory, and the relevant actions were monitored by an ad-hoc committee. To address the Court's concerns regarding access to water, the State had proposed the creation of 31 new water distribution networks, including the drilling of 31 new wells, and the expansion of five existing networks. The National Institute of Indigenous Affairs and several other State agencies were implementing other productive projects to benefit Indigenous communities and Creole families in the area.

40. Individual and collective problems were addressed in a comprehensive manner by 99 Centres for Access to Justice across the country. In October 2022, a new support centre had opened in Santa Victoria del Este, Salta, in line with the ruling by the Inter-American Court of Human Rights in the case of *Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina*, with professionals trained to advise and support members of the Indigenous communities there.

41. The National Commission for Refugees ensured that the principles laid down in the Refugee Recognition and Protection Act were applied, namely non-refoulement, non-discrimination, family unity and confidentiality, and that refugees and asylum-seekers were treated with dignity. The border staff of the National Directorate of Migration also received training in those principles. The Office of the United Nations High Commissioner for Refugees (UNHCR) had contributed considerable resources to help the Government carry out its policies in that area. UNHCR and the United Nations Children's Fund had run training sessions on refugees, asylum-seekers and the protection of children and adolescents. Between 2020 and 2022, 4,631 asylum applications had been made in the country. That number had subsequently fallen, however, as it had transpired that applications were being made as a means of remaining in the country by persons lacking documentation. Offering access to documentation, including for children from Venezuela, had reduced the number of pending applications for asylum.

42. During the COVID-19 pandemic, online procedures had helped ensure that the application of legislation governing the processing of asylum applications was not interrupted.

43. The Humanitarian Visa Programme for Foreigners Affected by the Conflict in the Syrian Arab Republic was a resettlement programme for Syrians, many of whom applied for asylum in Argentina because they already had family there. There was also a network of sponsors that included private individuals and organizations to facilitate the integration of persons entering the country by teaching them the language or helping them to find work. A pilot project run by UNHCR, entitled "Grow: Growing Solutions and Funding for Refugees", was being carried out in collaboration with civil society organizations to support the integration of refugees at the community level. Meanwhile, another UNHCR initiative, "Cities of Solidarity", helped migrants settle in regional cities so that not all new arrivals took up residence in the capital.

44. Act No. 27,512 on the Recognition and Protection of Stateless Persons designated the National Commission for Refugees as the competent body for carrying out statelessness determination procedures. Although the Act was not yet regulated, it was in operation.

45. Since 1 January 2021, 17 applications for recognition of statelessness had been registered. The Government was prioritizing quality of treatment over quantity and had approved four applications so far in 2023.

46. **Ms. Pena** (Argentina) said that the Ministry for Women, Gender and Diversity was helping to promote greater agency among Indigenous women to address the problem of *chíneo*. Specific measures introduced by the Ministry to combat gender-based violence included the Support (Acompañar) Programme, which provided Indigenous women victims of such violence with legal, psychological and social counselling as well as the adjustable minimum living wage for six months. Other employment and social programmes provided subsequent assistance. The Ministry was also working with Indigenous communities to develop specific measures under the National Plan of Action to Combat Gender-Based Violence 2022–2024.

47. Argentinian legislation established employment contracts specific to domestic workers. Also, in 2021, the Registered (Registradas) Programme had been introduced to encourage the regularization of that sector of the workforce. To date, more than 230,000 workers, many of them migrants, had benefited from the programme, under which the State paid half of the worker's salary for six months and provided a bank account free of charge.

48. The Government had also recognized the inequality faced by caregivers. The number of years during which childcare activities prevented women from taking up paid employment now counted towards their retirement.

49. The National Commission for the Historical Recognition of the Afro-Argentine Community was working with the Ministry of Culture, under its Afro Culture Programme, and the National Secretariat for Human Rights to increase recognition of the historical and cultural legacy of the Afro-Argentine community. For example, the heretofore unknown story of María Remedios del Valle, a woman of African descent who had fought in the Argentine War of Independence, was currently being given due prominence.

50. The delegation wished to express its utmost concern about the deteriorating physical and mental health of Indigenous leader Milagro Sala.

51. **Mr. Vega Luna** said that he would like to know about any measures implemented by the State party to systematically include the criterion of racial self-identification in measurements other than the census, including at provincial level. He urged the State party to broaden the definitions of grounds of racial discrimination in Act No. 23.592 of 1988 on Discriminatory Actions to include colour, ethnic origin and descent, in accordance with article 4 of the Convention. He wished to know whether or not INADI was able to receive complaints relating to racial hate speech on digital platforms and would also welcome more detailed information about changes in its budget in recent years. He would like to know how the State party ensured the full, effective and systematic participation of Indigenous Peoples in the Council on Indigenous Participation and the Indigenous Peoples' Advisory and Participatory Council. He wondered whether the State party intended to develop a new National Human Rights Plan to operate alongside the sectoral plans that were being implemented. It would be useful to learn whether the National Plan to Combat Discrimination 2022–2024 had been approved and, if not, when that might happen.

52. He would welcome information about any concrete measures being taken to stop the Mapuche people being persecuted and stigmatized as having connections to terrorism and not belonging to the Argentine nation. He would like the delegation to clarify whether or not surveying and demarcation activities currently involved the issuing of land titles to individuals, and whether the State party had a national community property law. It was unclear to him why evictions of Indigenous communities were still taking place and what measures were being taken in response, and he wished to know what action was being taken in the provinces to combat discrimination against Indigenous persons in education and employment. Lastly, he would like to know whether there was any data indicating the effect of the country's anti-poverty and food security programmes on malnutrition in children from Indigenous communities and of African descent.

53. **Mr. Diaby** said that he would like to know what measures were envisaged to facilitate access to documentation for the Nivaclé Indigenous People and whether, in that connection, the State party had introduced a national plan to end statelessness. He would welcome information as to why the regularization of migrants from countries in the Southern Common Market was treated differently from that of other migrants. He wished to know what steps were planned to prohibit racial profiling by the police force and, lastly, in the light of the scarcity of complaints relating to racism in sport, he wondered whether the authorities might initiate investigations on their own initiative in order to tackle the issue head on.

54. **Mr. Vega Luna** said that he wished to thank the delegation for the sincere and open dialogue and commended it for taking the important step of acknowledging that structural discrimination continued to affect Indigenous Peoples, persons of African descent, migrants and other minorities in Argentina. The State party was at a pivotal point, and the Committee stood ready to offer support and encouragement as it made the changes necessary to face the major challenges that lay ahead and close the gap between actions taken at the national and provincial levels.

55. **Ms. Pena** (Argentina) said that a number of ministries had incorporated racial and ethnic components into their programmes. For example, the Ministry of Education offered “Progress” scholarships to help young persons from Indigenous backgrounds and of African descent to complete their studies. The National Social Security Administration provided services to Indigenous communities in their own languages and the Ministry of Labour was carrying out affirmative action to improve ethnic and racial equality in access to social programmes.

56. The Government was committed to aligning the Act on Discriminatory Actions with article 4 of the Convention and would take into account the Committee’s points in that respect.

57. INADI was able to receive complaints about hate speech on social media and other platforms. It issued rulings and recommendations and, if appropriate, could recommend filing a complaint with the courts or working together with other bodies. It was working with the Follow-up Mechanism to the Belém do Pará Convention specifically to combat political violence against women.

58. The National Plan to Combat Discrimination 2022–2024 was expected to be approved in October 2023.

59. **A representative of Argentina** said that, although there was currently no national community property law, provinces such as Neuquén, Formosa and Jujuy had acted on their own initiative to grant community land titles to Indigenous communities.

60. The National Institute of Indigenous Affairs, INADI and the National Secretariat for Human Rights had expressed their concern in a statement on 31 March 2023 about the bill passed in the Mendoza provincial legislature denying recognition of the Mapuche as Argentine Indigenous Peoples and had faced attacks in the media as well as on the political and legal fronts for their interventions on their behalf.

61. **Ms. Pena** (Argentina) said that legislation was in place to penalize racial discrimination in sport and that, since 2008, INADI had had an observatory on discrimination in sport. It also had agreements with the Argentine Football Association, promoted the creation of human rights spaces within sports clubs, focusing particularly on youth, and monitored all football and rugby matches. The death of Fernando Báez Sosa had given rise to a debate in society and highlighted the need for more work in the area. Regarding racial profiling and the use of surveillance technologies, legislation was in place to provide for the protection of personal data subject to the requirements of free, prior and informed consent. Concrete measures were being undertaken to eradicate racial and ethnic stereotyping in the security forces.

The meeting rose at 1 p.m.